



Patent / Docket No. 31132.59
Customer No. 27683

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(P)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bryan, et al.

Serial No. 09/776,394

Filed: February 2, 2001

For: HUMAN SPINAL DISC PROSTHESIS

§ Group Art Unit: 3738

§ Examiner: Stewart, Alvin J.

§

TRANSMITTAL

Commissioner For Patents
Washington D.C. 20231

Sir:

Enclosed are the following regarding the above-identified patent application:

1. Submission of Fees for large entity status;
2. a check in the amount of \$370.00; and
3. a return postcard.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,

David M. O'Dell
Reg. No. 42,044

Date: 2-11-03

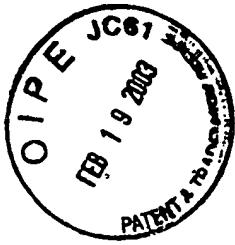
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
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Telephone: 972-739-8635
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File: 31132.59

R-40988.1

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on 2-12-03

Signature of person mailing paper and fee



#13

DOCKET NO. 31132.59

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: § Assignee: Medtronic Sofamor Danek,
Inc. §
Bryan, et al. §
§
Serial No.: 09/776,394 § Group Art Unit: 3738
§
Filed: February 2, 2001 § Examiner: Stewart, Alvin J.
§
For: HUMAN SPINAL DISC PROSTHESIS § LARGE ENTITY STATUS CLAIMED

Commissioner for Patents
Washington, DC 20231

SUBMISSION OF FEES PURSUANT TO 37 C.F.R. § 1.28(c)

Dear Sir:

Applicants request the above-identified application be withdrawn from erroneously claimed SMALL ENTITY STATUS.

United States Patent Application, 09/776,394, a Reissue application of U.S. patent number, 5,865,846, from which the subject Request for Continued Examination (RCE) Application is based, was originally filed on February 2, 2001 and included therewith a Verified Small Entity Statement, which was filed in good faith. However, since that time, the assignee (Spinal Dynamics Corporation) merged into and thus assigned the patent to Medtronic Sofamor Danek, Inc., a large entity. Therefore, United States Patent 5,323,448, thereafter became classified as LARGE ENTITY.

In preparation of the subject RCE Application, Applicants inadvertently overlooked the above-noted status change to LARGE ENTITY in the parent issued patent. Therefore, the small entity status is hereby withdrawn and the differences in filing fees for the subject RCE application are submitted herewith.

Adjustment date: 02/20/2003 SLUANG1
01/03/2003 02/20/2003 SLUANG1
01/03/2003 CV0111 00000153 081394 09776394
01 FC:2801 370.00 CR

02/20/2003 SLUANG1 00000059 081394 09776394
01 FC:1801 380.00 CH 370.00 DP

A check in the amount of \$370.00 is attached for the differences between the amount of fees originally paid and the amount that now would be due if the fees were paid today without a claim of small entity status.

The Commissioner is hereby authorized to credit any overpayment or charge any deficiencies in fees to the Deposit Account of Haynes and Boone, LLP 08-1394.

Respectfully submitted,



David M. O'Dell
Registration No. 42,044

Date: 2-11-03

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on 2.13.03

BE Boyle

printed name

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Signature